

REMARKS

Claim Rejections

Claims 9, 10 and 23 have been rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Specifically, the Examiner alleges that that claims 9 and 10 lack a tangible result, and that the computer-readable medium of claim 23 is not defined in the specification.

With regard to claims 9 and 10, the Examiner has not expressly stated how the language of the claims has been interpreted to support the allegation that the claims lack a tangible result, and therefore has not established the required *prima facie* case that the invention as a whole is directed to solely an abstract idea. MPEP § 2106(II)(A).

Applicants respectfully submit that these claims provide the useful and tangible result of providing intelligent interpretation of reflectometry information, which interpretation may subsequently be used for its appropriate purpose. Therefore, the interpretations recited in the claims 9 and 10 are useful and tangible results and, as such, are directed to statutory subject matter. Thus, the § 101 rejection of claims 9 and 10 should be withdrawn.

Claim 23 has been amended to recite a computer program product. Applicants submit products may be manufactures, and that a claim defines a useful manufacture where it is defined in terms of a hardware and software combination. MPEP § 2106(IV)(B)(2)(a). Since claim 23 recites a set of instructions, i.e., software, for a processor, i.e., hardware, Applicants submit that the claim defines a useful manufacture in terms of a hardware and software combination, and is therefore directed to statutory subject matter.

The specification provides ample support for a computer readable medium, which is well known in the art for many decades, and the use of a computer readable medium is not something for which the specification needs to be enabling. A computer program product, as is well known, inherently includes a computer readable medium, or at the very least such a medium is clearly implied in the originally-filed specification and intrinsically disclosed. Therefore, the § 101 rejection of claim 23 should be withdrawn.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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Respectfully submitted,



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